

- 6 -

Commissioner of Patents and Trademarks

Serial No.: 10/016,869

**REMARKS**

Reconsideration of this application is requested.

Applicant acknowledges the Examiner's statement regarding the withdrawal of allowability of claims 7, 8 and 12.

**CLAIM REJECTIONS - 35 USC § 102**

The Examiner has rejected claims 7, 2, 6, 8, 9 and 10 under 35 U.S.C. 102(b) as being anticipated by (5,907,949) to Falke et al., and has further alleged that Falke et al. (particularly in Fig. 3) disclosed a method of engine starting in a gas turbine engine as defined in claims 7 and 8 of this application.

Applicant believes that the Examiner has misunderstood Falke et al. because Falke et al. teaches a method of engine starting in a gas turbine engine comprising injecting fuel into the combustor at a predetermined varying rate **while the engine is being rotated at a constant speed**. In particular Falke et al. state in column 4, lines 19-29:

During a typical ground start, the starter motor rotates the high speed rotor so that ambient air 60 is drawn through the engine. **Once the starter motor has accelerated the rotor to a sufficiently high rotational speed**, the exciters apply a voltage across each of the ignitors, and the fuel metering unit supplies fuel to the combustion chamber, the quantity of fuel being determined by a starting fuel schedule programmed into the controller. The voltage across the ignitors generates an electrical spark which, if the fuel and air are properly proportioned and mixed, ignites the fuel-air mixture resulting in further acceleration of the rotor.

Falke et al. teach lighting the engine **once the starter motor has accelerated the rotor to a substantially high rotation speed rather than lighting the engine during the acceleration of the rotor**.

The Examiner's attention is further directed to the Falke et al.'s statements in column 3, lines 18-21 and column 4, lines 34-39:

The method is universally applicable to ground starts and air starts and improves the success rate of engine starting over a wide range of altitude, airspeed and air temperature...

A typical air start sequence is similar to the above described ground start sequence, however the action of the starter motor may be unnecessary since the high speed rotor is usually rotating or "windmilling" as a consequence of the aircraft's forward velocity.

- 7 -

Commissioner of Patents and Trademarks

Serial No.: 10/016,869

It is well known that in a "windmilling" condition the engine restarts typically during the deceleration of the engine because "windmilling" cannot force the engine to rotate at an increased speed. Therefore, Falke et al. teach only a sufficiently high rotational speed of the rotor, above which level the engine start sequence begins. This is substantially different from the claimed invention of this application.

Amended claim 7 is patentable over Falke et al.

Claim 8 is cancelled without prejudice.

Claims 2, 6, 9 and 10 depend directly or indirectly from claim 7 and are allowable for the same reasons as those set forth above. Therefore the rejection of claims 2, 6, 8, 9 and 10 is traversed.

#### *CLAIM REJECTIONS - 35 USC § 103*

The Examiner has rejected claims 7, 2, 3, 4, 8 and 12 under 35 U.S.C. 103(a) as being unpatentable over (4,464,895) to Morrison et al. in view of (5,907,949) to Falke et al. The Examiner has alleged that Morrison et al. disclose all claimed features of this application but do not disclose the engine rotating at a varying or increasing speed as defined in claims 7 and 8.

For reasons discussed above, the combination of Falke et al. and Morrison et al. cannot teach all features defined in amended claim 7, and therefore the rejection of claim 7 is traversed.

For the same reasons as those set forth above, the rejection of claims 2, 3, 4, and 12 which depend directly or indirectly from claim 7 is traversed.

The rejection of claim 8 is traversed by the cancellation thereof.

#### *ALLOWABLE SUBJECT MATTER*

The Applicant gratefully acknowledges the Examiner's statement regarding the allowability of claims 5, 11 and 13-16. Nevertheless, those claims are now dependent

- 8 -

Commissioner of Patents and Trademarks

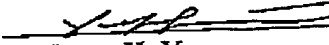
Serial No.: 10/016,869

upon base claim 7, and therefore the Examiner's rewriting requirements of claims 5, 11 and 13-16 should be rescinded.

**CONCLUSION**

Applicant believes that this application is now in a condition for immediate allowance as a result of the amendments made to the claims and for the reasons set forth above. Favourable reconsideration of this application and the Notice of Allowance are therefore respectfully solicited.

Respectfully submitted,  
Richard John O'CONNOR

By   
Wayne H. Yan  
Registration No. 44,485  
Agent for Applicant

WHY/sa

Address: OGILVY RENAULT  
1981 McGill College Avenue  
Suite 1600  
Montreal, Quebec H3A 2Y3  
Canada  
Tel. No: (613) 780-8682  
Fax. No: (613) 230-6706